

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN DANIEL VILLA JR.,

Plaintiff,

No. C 07-01436 WHA

v.

LINDA ROWE, JENNIFER SWINEY,
and BHAWNA JAIN,

Defendants.

FINAL PRETRIAL ORDER

FOR GOOD CAUSE and after a final pretrial conference, the Court issues the following final pretrial order:

1. This case shall go to a **JURY TRIAL** no earlier than **AUGUST 8, 2011**, at **7:30 A.M.**, and shall continue until completed on the schedule discussed at the conference. As much notice as possible will be provided when the final trial date is set, and the information provided by counsel about the availability of the parties will be accounted for as much as possible given the Court's schedule and other trials. To this end, plaintiff's counsel shall endeavor to provide updates as appropriate on the issues outlined in the order regarding setting trial date given logistics of plaintiff's parole hearing (Dkt. No. 141).

The issues to be tried shall be those set forth in the joint proposed pretrial order except to the extent modified by order *in limine*. This final pretrial order supersedes all the complaint, answer and any counterclaims, cross-claims or third-party complaints, *i.e.*, only the issues expressly identified for trial remain in the case.

1 2. A separate order will rule on the motions *in limine*.

2 3. Except for good cause, each party is limited to the witnesses and exhibits
3 disclosed in the joint proposed final pretrial order less any excluded or limited by an order
4 *in limine*. Materials or witnesses used solely for impeachment need not be disclosed and may
5 be used, subject to the rules of evidence.

6 4. The stipulations of facts set forth in the joint proposed final pretrial order are
7 approved and binding on all parties.

8 5. A jury of **EIGHT PERSONS** shall be used.

9 6. Each side shall have **EIGHT HOURS** to examine witnesses (counting direct
10 examination, cross-examination, re-direct examination, re-cross examination, etc.).
11 Opening statements and closing arguments shall not count against the limit. If, despite being
12 efficient, non-duplicative, and non-argumentative in the use of the allotted time, one side runs
13 out of time and it would be a miscarriage of justice to hold that side to the limit, then more time
14 will be allotted. Each side shall have 45 minutes for opening statements.

15 7. The parties shall follow the Court's current *Guidelines for Trial and*
16 *Final Pretrial Conference*, separately provided and available on the Internet at
17 <http://www.cand.uscourts.gov>, which guidelines are incorporated as part of this order.

18

19 **IT IS SO ORDERED.**

20

21 Dated: July 7, 2011.

22

23

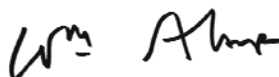
24

25

26

27

28



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE